

REMARKS

Claims 1, 3-13, 16-21, 23-31, 34-39 are pending in the present application. Claims 14, 15, 32, and 33 are canceled. Claims 2 and 22 were previously canceled in a Response to Office Action dated March 21, 2005. Claims 1, 21, and 39 are amended. Reconsideration of the claims is respectfully requested.

I. Amendments

Applicants have amended independent claims 1, 21, and 39 to further clarify that the generated transcription of the first call taker's speech is analyzed to identify words of importance and that the identified words of importance are highlighted in the display using different color text, different size font, and different style font. These recited claim limitations do not constitute new matter, as they are supported by applicants' specification. For example, support may be found in the specification on page 15, lines 16-28, which reads as follows:

For example, the words of importance may be displayed using a different color text, using a different size font, using a different font, and the like.

For example, after analysis the above recognized text may be displayed on the level-2 call taker workstation with highlighted text as: "So, what you are saying is that you **installed** your **video card** and your **computer boots** properly but when you try to **run** an **application**, you get a **blue-screen error code 06:0001:0054**." In this way, the level-2 call taker workstation operator is informed of the problem being experienced by the caller in a manner so as to expedite handling of the call.

II. 35 U.S.C. § 102, Anticipation

The examiner has rejected claims 1, 3, 7-13, 21, 23, 27-31, and 39 under 35 U.S.C. § 102 as being anticipated by Engelke, U.S. Patent No. 6,594,346 ("Engelke"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034

(Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case, each and every feature of the presently claimed invention is not shown in the cited reference as arranged in the claims.

Amended independent claim 1 of the present invention, which is representative of amended independent claims 21 and 39, reads as follows:

1. A method of handing over a communication from a first device to a second device, comprising:
 - enabling a speech recognition function;
 - using the speech recognition function to transcribe a portion of the communication to thereby generate a transcription, wherein the portion of the communication that is transcribed includes only speech input from a first call taker to the first device;
 - analyzing the transcription to identify words of importance;
 - displaying the transcription on the first device with the words of importance conspicuously identified in the display by one of highlighting, using a different color text, using a different size font, and using a different style font; and
 - sending the transcription to the second device when handing over the communication from the first device to the second device.

Canceled dependent method claims 14 and 15 and canceled dependent apparatus claims 32 and 33 are incorporated into amended independent claims 1 and 21, respectively.

With regard to claims 1, 14, 15, 21, 32, 33, and 39 the examiner states:

enabling a speech recognition function; using the speech recognition function to transcribe (col. 2 lines 51-52) a portion of the communication thereby generate transcription (col. 3 lines 25-29 and col. 6 lines 8-17), wherein the portion of the communication that is transcribed includes only speech input from a first call taker to the first device (personal interpreter or relay) (col. 5 lines 14-15; and 28-30)
sending the transcription to the second device (telephone, visual display) when handing over the communication from the party device to the second device (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67).

As to claims 14 and 32, Engelke teaches
Analyzing the transcription to identify words of importance (Dragon Systems, voice recognition package, col. 6 lines 25-36); and
Displaying the transcription on the first device with the words of importance conspicuously identified in the display (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67 and Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 15 and 33, Engelke teaches
The words of importance are conspicuously identified in the display by one of highlighting, using a different color text, using different font, and using different font (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67 and Dragon Systems, voice recognition package, col. 6 lines 25-36).

Final Office Action, dated August 25, 2005, pages 3 and 5, respectively.

Engelke teaches a relay system to facilitate the translation of information and communication between deaf and hearing persons, which includes a call assistant who re-voices the words of the hearing person which are spoken to the call assistant. The words spoken by the call assistant are recognized by a speech recognition computer program which has been trained to the voice pattern of the call assistant, such that the words are promptly translated into text and formatted into a high speed digital communication protocol. That high speed digital communication message is then transmitted electronically promptly by telephone to a visual display accessible to the deaf person. Engelke, column 2, lines 46-58. In addition, Engelke teaches that it is important for the voice recognition system to be capable of transcribing the words of the voice of the call assistant at the speed of a normal human communication. A commercially available voice recognition package from Dragon Systems, known as "Naturally Speaking," is a voice recognition software which will accomplish this objective and which will translate to digital text spoken words of a user at the normal speeds of human communication in conversation when operating on conventional modem personal computers. Engelke, column 6, lines 24-34. In other words, Engelke teaches the use of a voice recognition system, such as Dragon Systems' Naturally Speaking, to transcribe communication from a call assistant, who re-voices the words spoken to the call assistant from a caller to a deaf person, in order for the transcribed communication to be seen on the deaf person's visual display.

In contrast, as amended, the present invention recites in claim 1 using a speech recognition function to transcribe a communication, analyzing the transcription to identify words of importance, and displaying the transcription with the words of importance conspicuously identified in a display by highlighting. In other words, in addition to transcribing spoken communication using a speech recognition function, the system of the present invention recited in the claims analyzes the transcription in order to highlight words of importance to a call taker. Support for these features is found in the specification on page 15, lines 16-28.

Even though Engelke teaches using a voice recognition system for the purpose of producing a transcript of a spoken communication and displaying the transcript on another device, Engelke does not teach analyzing the transcript to identify words of importance as recited in claim 1. Engelke does not make reference to analyzing the transcript for any reason. The system taught by Engelke merely produces and displays the transcript. Since Engelke does not teach analyzing the transcription for identify words of importance, then Engelke cannot teach highlighting the words of importance as further recited in claim 1.

However, the examiner cites Dragon Systems, which Engelke references, as teaching certain limitations recited in amended claim 1. But, Engelke only mentions that Dragon Systems is an example of a voice recognition software package that may be utilized by the method of Engelke, without discussing any Dragon System features. Consequently, Engelke cannot be cited as teaching the features of Dragon Systems. Further, because Engelke does not teach the features of Dragon Systems, Dragon Systems cannot be referenced in Engelke as employing certain features. If Dragon Systems does teach analyzing the transcription to identify words of importance and displaying the transcription with the words of importance conspicuously identified in a display by highlighting as recited in amended independent claim 1, then applicants respectfully request that the examiner provide a reference, containing a date that is prior to the present invention's filing date of May 9, 2001, describing the features ascribed by the examiner in the Final Office Action to Dragon Systems.

Therefore, Engelke does not identically teach each and every element recited in amended claim 1 of the present invention. Accordingly, the rejection of independent claims 1, 21, and 39 as being anticipated by Engelke has been overcome.

In view of the arguments above, amended independent claims 1, 21, and 39 are in condition for allowance. As a result, claims 3, 7-13, 23, and 27-31 are dependent claims depending on independent claims 1 and 21, respectively. Consequently, claims 3, 7-13, 23, and 27-31 also are allowable, at least by virtue of their dependence on allowable claims. Furthermore, these dependent claims also contain additional features not taught by Engelke.

For example, claim 3 of the present invention, which is representative of claim 23, reads as follows:

3. The method of claim 1, wherein the portion of the communication that is transcribed includes speech input from a caller that initiated the communication.

With regard to claims 3 and 23, the examiner states:

As to claims 3 and 23, Engelke teaches the portion of the communication that is transcribed includes speech input from the caller that initiated the communication (col. 4 lines 43-44 and col. 5 lines 10-15 and 20).

Final Office Action, page 3.

Engelke teaches in column 4, lines 43-48 that a deaf person could carry a personal interpreter and go into an establishment, place the personal interpreter upon a counter, open it up, and press the initiation key or start button. The deaf person can use the personal interpreter to translate words spoken in the presence of the personal interpreter into visibly readable text. This is accomplished by the personal interpreter through a relay. Engelke, column 5, lines 10-13. The relay provides the voice to text capability for the personal interpreter. Engelke, column 5, lines 50 and 51. The call assistant at the relay re-voices the words spoken by the caller into a computer operating a voice recognition software package trained to the voice of the call assistant. Engelke, Abstract. In addition, Engelke teaches:

It is a limitation of currently available speech recognition software that the software must be trained or adapted to a particular user, before it can accurately transcribe what words the user speaks. Accordingly, it is envisioned here that the call assistant operates at a computer terminal which contains a copy of a voice recognition software package which is specifically trained to the voice of the particular call assistant.

Engelke, column 6, lines 17-24.

In other words, Engelke teaches that the voice recognition software is only trained on the call assistant's voice at the relay. Engelke makes no mention of training the voice recognition software to include speech input from the caller or other speaking third party. Hence, Engelke does not teach that the portion of the communication that is transcribed includes speech input from the caller that initiated the communication as recited in claim 3 of the present invention.

As a further example, claim 8 of the present invention, which is representative of claim 28, reads as follows:

8. The method of claim 1, wherein the speech recognition function makes use of a reduced size vocabulary of recognized words that are specific to communications typically handled by the first device.

With regard to claims 8 and 28, the examiner states:

As to claims 8 and 28, Engelke teaches the speech recognition function makes use of a reduced vocabulary of recognized words that are specific to communications typically handled by the first device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

Final Office Action, page 4.

Engelke makes no reference to employing a reduced vocabulary of recognized words by the voice recognition system. As shown above, the features of the Dragon System are not taught by the Engelke reference as suggested by the examiner. Engelke only teaches that the Dragon System is a voice recognition software package that may be used by the method taught in Engelke. Thus, Engelke does not teach that the speech recognition function makes use of a reduced size vocabulary of recognized words that are specific to communications typically handled by the first device as recited in claim 8.

As a further example, claims 9 and 10 of the present invention, which are representative of claims 29 and 30, respectively, reads as follows:

9. The method of claim 1, wherein the step of enabling the speech recognition function is performed automatically upon the occurrence of a triggering event.

10. The method of claim 9, wherein the triggering event is receipt of the communication at the first device.

With regard to claims 9, 10, 29, and 30, the examiner states:

As to claims 9 and 29, Engelke teaches
enabling the speech recognition function automatically upon the occurrence of a triggering event (Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 10 and 30, Engelke teaches
wherein the triggering event is receipt of the communication at the first device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

Final Office Action, page 4.

Engelke makes no reference to automatically enabling the speech recognition function. Once again, as shown above, the features of the Dragon System are not taught by the Engelke reference as suggested by the examiner. As a result, Engelke does not teach enabling the speech recognition function automatically upon the occurrence of a triggering event as recited in claim 9. Because Engelke does not teach enabling the speech recognition function automatically upon the occurrence of a triggering event, Engelke cannot teach wherein the triggering event is receipt of the communication at the first device as further recited in claim 10 of the present invention.

Consequently, Engelke does not identically teach each and every limitation of the above recited claims. Accordingly, the rejection of independent claims 1, 3, 7-13, 21, 23, 27-31, and 39 as being anticipated by Engelke has been overcome.

III. 35 U.S.C. § 103, Obviousness, Dependent Claims 4-6, 18-20, 24-26, and 36-38

The examiner has rejected dependent claims 4-6, 18-20, 24-26, and 36-38 under 35 U.S.C. § 103 as being unpatentable over Engelke as applied to independent claims 1, 21, and 39 above, and further in view of Eisdorfer et al., U.S. Patent No. 5,745,550 (“Eisdorfer”). This rejection is respectfully traversed.

The examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For an invention to be *prima facie* obvious, the prior art must teach or suggest all claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). The examiner has not met this burden because all of the features of these claims are not found in the cited references as believed by the examiner. Therefore, the combination of Engelke and Eisdorfer would not reach the presently claimed invention recited in these claims.

As shown above, Engelke does not teach or suggest all claim limitations recited in amended independent claims 1, 21, and 39 of the present invention. In particular, Engelke does not teach or suggest analyzing the transcription to identify words of importance and displaying the transcription with the words of importance conspicuously identified in a display by highlighting as recited in the amended independent claims. These above recited features also are not taught or suggest by Eisdorfer.

Therefore, since neither Engelke nor Eisdorfer teach or suggest analyzing the transcription to identify words of importance and displaying the transcription with the words of importance conspicuously identified in a display by highlighting as recited in amended independent claims 1, 21, and 39 of the present invention, then the combination of Engelke and Eisdorfer cannot teach or suggest these recited features. As a result, dependent claims 4-6, 18-20, 24-26, and 36-38 of the present invention also are allowable, at least by virtue of their dependence upon allowable claims. Accordingly, the rejection of claims 4-6, 18-20, 24-26, and 36-38 as being unpatentable over Engelke as applied to independent claims 1, 21, and 39 and further in view of Eisdorfer has been overcome.

IV. 35 U.S.C. § 103, Obviousness, Dependent Claims 16, 17, 34, and 35

The examiner has rejected dependent claims 16, 17, 34, and 35 under 35 U.S.C. § 103 as being unpatentable over Engelke as applied to independent claims 1, 21, and 39 above, and further in view of Beck et al., U.S. Patent No. 6,370,508 (“Beck”). This rejection is respectfully traversed.

As shown above, Engelke does not teach or suggest all claim limitations recited in amended independent claims 1, 21, and 39 of the present invention. In particular, Engelke does not teach or suggest analyzing the transcription to identify words of importance and displaying the transcription with the words of importance conspicuously identified in a display by highlighting as recited in the amended independent claims. These above recited features also are not taught or suggest by Beck.

Therefore, since neither Engelke nor Beck teach or suggest analyzing the transcription to identify words of importance and displaying the transcription with the words of importance conspicuously identified in a display by highlighting as recited in amended independent claims 1, 21, and 39 of the present invention, then the combination of Engelke and Beck cannot teach or suggest these recited features. As a result, dependent claims 16, 17, 34, and 35 of the present invention also are allowable, at least by virtue of their dependence upon allowable claims. Furthermore, these dependent claims also contain additional features not taught by Engelke and Beck.

For example, claim 16 of the present invention, which is representative of claim 34, reads as follows:

16. The method of claim 1, wherein the first device and the second device are provided by a same entity.

With regard to claims 16 and 34, the examiner states:

As to claims 16 and 34,
Engelke teaches a first and second device (Fig. 1 elements 32 and 60).

However, Engelke does not specifically teach first and second device using the same entities.

Beck does teach providing the device using the first device and the second device are provided by a same entity. (Beck uses a “single entity”

for string dialog which will occur between first and second devices, such as agent A and customer B, column 22, line 22-24 and Fig 3-4).

Final Office Action, page 9.

Engelke teaches a relay system for facilitating communication through the telephone system between hearing users and users who need or desire assistance in understanding voice communications. Engelke, Abstract. “Shown in FIG. 4 is an illustration of how a typical telephone call involving a captioned telephone would be set up. The hearing user at telephone 62 communicates through a telephone line 64 with the relay, indicated at 66. The relay, a re-voicing relay, communicates through a telephone line 68 with the assisted user. At the site of the assisted user is a telephone 70 used by the assisted user and also a captioned telephone device 72.” Engelke, column 8, line 63 – column 9, line 3 and Figure 4. In other words, Engelke teaches that a re-voicing relay is provided in a telephone system between a telephone caller and an impaired hearing telephone user. Hence, the re-voicing relay device and captioned telephone device are not within the same organization or in the same location. Additionally, applicants agree with the examiner that Engelke does not specifically teach first and second device using the same entities.

Beck teaches a system that provides a facility for adapting an operation system for a multimedia call center to specific business practices and rules for a host enterprise within a broad set of possibilities, wherein business procedures, such as logical and calculation intensive procedures, may be accomplished more or less automatically with little if any human intervention. Beck, column 5, lines 23-30. Further, Beck teaches:

Once a call or other communication event registers at either a switch or a routing server, a customer-interaction network operating system (CINOS) immediately identifies the media type associated with the call band begins its processes depending on enterprise rules. For example, a connection oriented switched telephony call may first be routed to an interactive voice response (IVR) whereby the customer can be presented with varying choices such as leaving a voice message, waiting in queue, receiving a call back, or perhaps an e-mail, and so on. Interaction by an IVR in this instance, will preferably be via voice recognition technique such as is known in the art, but may also be via touch tone response or other known method. As previously described, the caller may elect from a number of options, such as to hold for a next available agent, select an

automated response such as a fax back, or perhaps a later agent –initiated response such as an e-mail or call back. In all cases, CINOS seamlessly processes and executed the logic required to accomplish the goal of the caller in a media and application-independent fashion.

Beck, column 8, lines 44-61.

In other words, Beck teaches that the caller is first routed to an interactive voice response unit whereby the customer can be presented with varying choices. Thus, the customer using a calling device is routed to an interactive voice response device/agent that is located in a different location. Also, the customer and interactive voice response device or agent are not part of the same organization or entity. However, the examiner states in the Final Office Action on page 9 that “Beck uses a ‘single entity’ for string dialog which will occur between first and second devices, such as agent A and customer B, column 22, line 22-24 and Fig 3-4.” Beck teaches that Figure 8 is an illustration of a relational diagram as might be displayed on a display monitor, representing **entities stored in the database**. (Emphasis added). Beck, column 22, lines 4-6. In addition, Beck teaches:

Threaded dialog as is known in prior art involves a system of strings or threads that are identified as being inherent to a **single entity or subject matter** wherein the dialog (questions and replies) is about that subject or about a question or subject that an entity has brought forth. A

threaded dialog may be finite dialog (is closed at some point) or it may be ongoing. (Emphasis added).

Beck, column 22, lines 18-24.

In other words, the single entity referenced in the examiner cited passage of Beck above identifies the dialog subject matter stored in the database and does not identify the organization or location of the first and second devices.

In contrast, the present invention recites in claim 16 that the first device and the second device are provided by the same entity. In other words, the first and second devices are both a part of the same support organization. Support for this claim limitation may be found in the specification on page 20, lines 22-24. Therefore, neither Engelke nor Beck teach or suggest the recited claim 16 limitation above.

Accordingly, the rejection of claims 16, 17, 34, and 35 as being unpatentable over Engelke as applied to independent claims 1, 21, and 39 and further in view of Beck has been overcome.

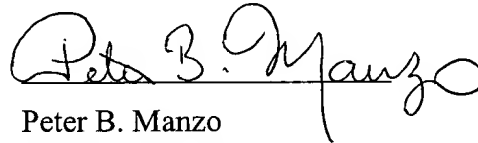
V. Conclusion

It is respectfully urged that the subject application is patentable over the cited prior art references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: November 23, 2005

Respectfully submitted,

A handwritten signature in cursive script that reads "Peter B. Manzo". The signature is written in dark ink and is positioned above the printed name and contact information.

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